

**3:08MD1932-MU**

## ORDER

Plaintiffs’ request that paragraph 19 of the Initial Scheduling Order (Doc. No. 66) which addresses Electronic Stored Information be modified to impose a duty on Defendants’ to retain employment documents for all store managers in Ohio and Pennsylvania. The current version of paragraph 19, which the Court notes, was agreed upon by both the Plaintiffs and the Defendants imposes a duty upon the Defendants to maintain, to the extent feasible, documents specified for all named Plaintiffs, Plaintiffs who intervene, and putative Opt-In Plaintiffs (who have filed, or do file,

Opt-In forms). The Court appreciates that the parties were able to agree upon this language, however, the Court declines Plaintiffs' request to modify such language.

**IT IS, THEREFORE ORDERED** that: Plaintiffs' Motion to Modify Initial Scheduling is denied.

**SO ORDERED.**

Signed: March 16, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

